

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

George Reynold Evans,	)	C/A No. 3:08-2991-JFA-JRM
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
Captain Charles L. Lewis; Town of Lynchburg;	)	
Mayor Issac Thompson; Lynchburg Township	)	
Police Department,	)	
	)	
Defendants.	)	

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The *pro se* plaintiff, George Reynold Evans, brings this action pursuant to 42 U.S.C. § 1983. The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation wherein he suggests that this court should dismiss the action for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on August 18, 2009. However, the plaintiff did not file any objections to the Report within the time limits prescribed.

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Additionally, the court's order of August 4, 2009 denying plaintiff's motion for subpoenas was returned to the Clerk marked "Return to Sender, Moved Left No Address, Unable to Forward." The plaintiff did not notify the Clerk of any change of address.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed *with prejudice* for failure to prosecute under Rule 41(b).

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive, flowing style.

Joseph F. Anderson, Jr.  
United States District Judge

September 15, 2009  
Columbia, South Carolina